

CITY OF BELLFLOWER

ORDINANCE NO. 1099

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLFLOWER AMENDING BELLFLOWER MUNICIPAL CODE SECTION 10-4 TO REVISE THE STORMWATER AND RUNOFF POLLUTION CONTROL ORDINANCE

WHEREAS, on December 13, 2001, the California Water Quality Control Board, Los Angeles Region, adopted a municipal National Pollutant Discharge Elimination System (NPDES) Permit for municipal stormwater and urban runoff discharges within the County of Los Angeles, and the incorporated cities therein, except for the City of Long Beach;

WHEREAS, the City of Bellflower (City) is subject to the municipal NPDES Permit;

WHEREAS, on October 14, 2002, the City Council adopted Ordinance No. 1038 amending Bellflower Municipal Code Section 10-4 relative to stormwater and urban runoff pollution controls; and

WHEREAS, the City seeks to fully comply with the provisions of the most current NPDES Permit.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLFLOWER DOES ORDAIN AS FOLLOWS:

SECTION 1. Paragraph a. of Subsection 10-4.3 of the Bellflower Municipal Code is hereby amended to read as follows:

"Prohibiting illicit discharges to the municipal stormwater system."

SECTION 2. Bellflower Municipal Code Subsection 10-4.4 is hereby amended is hereby amended by adding thereto a new definition for "MS4 NPDES Permit" and amending the definitions of "illicit discharge" and "industrial activity" to read as follows:

"Illicit Discharge" means the entry of any material other than stormwater into the MS4 unless such discharge is exempted by Regional Board or under the MS4 NPDES Permit or any other NPDES Permit to which the City may be subject."

"Industrial activity" means any of the 10 classifications of industrial facilities specified in 40 Code of Federal Regulations §122.26 (b)(14), defined by Standard Industrial Classification (SIC) and which is required to obtain a NPDES Permit, not including construction activities that cause the disturbance of one (1) acre of soil by clearing, grading, excavation, or a combination thereof."

“MS4 NPDES Permit” means any municipal NPDES Permit adopted by the California Regional Water Quality Control Board, Los Angeles Region, to which the City is subject.”

SECTION 3. Bellflower Municipal Code Subsection 10-4.9 is hereby amended as follows:

“10-4.9 Control of Pollutants from Industrial and Commercial Facilities.

- a. Certain categories of commercial facilities specified in the municipal NPDES Permit or identified by the City as being significant contributors of pollution, shall implement BMPs prescribed by the Regional Board or its Executive Officer, through programs or actions made pursuant to the municipal NPDES Permit, or by the City's Director of Public Works, to minimize the discharge of pollutants to the MS4.
- b. Certain categories of commercial facilities shall be inspected for pollution issues and BMP compliance in accordance with a schedule called for in the municipal NPDES Permit or as often as necessary as determined by the City.”

SECTION 4. Bellflower Municipal Code Subsection 10-4.10 is hereby amended by adding a new paragraph “d” to read as follows:

“d. Any industry, whether or not subject to a NPDES General Industrial Activities Stormwater Permit, may be inspected in accordance with a schedule established by the municipal NPDES Permit or as often as necessary as determined by the City for the purpose of determining compliance with BMP requirements or to abate pollution issues.”

SECTION 5. Paragraph a. of Subsection 10-4.11 of the Bellflower Municipal Code is hereby amended to read as follows:

“a. No person shall be granted a grading permit or shall commence or continue any construction activity in the City that causes the disturbance of one (1) acre or more of soil by clearing, grading, and excavating without demonstrating to the City that such person has obtained a NPDES General Construction Activity Stormwater Permit from the SWRCB. NPDES construction activity does not include: (i) routine maintenance to maintain original line and grade, (ii) hydraulic capacity, (iii) the original purpose of the facility, or (iv) emergency construction activities required to immediately protect the public health and safety.”

SECTION 6. Bellflower Municipal Code Subsection 10-4.12 is hereby amended to read as follows:

“10-4.12 Control of Pollutants from Other Construction Activities

- a. No person shall be granted a grading permit for a construction project that is expected to cause a disturbance of less than one (1) acre of soil by grading, clearing, and/or excavation without consenting to implement BMPs prescribed by the City to reduce pollutant discharges to the MS4 associated with construction activities.

- b. No person shall be allowed to commence or continue any construction activity in the City that causes the disturbance of less than one (1) acre of soil by grading, clearing, and/or excavating without implementing BMPs prescribed by the City."

SECTION 7. Bellflower Municipal Code Subsection 10-4.13 is hereby amended to read as follows:

"10-4.13 Control of Pollutants from New Development/Redevelopment Projects

- a. Prior to the construction of any project that is subject to development planning requirements specified in the MS4 NPDES Permit, such project shall be evaluated by the City for its potential to discharge pollutants to the MS4.
- b. b. Once a development planning-subject project has been evaluated for its potential to discharge pollutants to the MS4, the City shall require appropriate BMPs, both structural and non-structural, to be implemented on a post-construction basis; and shall require a maintenance agreement to assure the proper performance of such BMPs."

SECTION 8. Bellflower Municipal Code Subsection 10-4.15 is hereby amended to read as follows:

10-4.15 Fees.

"The City Council may establish fees to recover costs for complying with the requirements of this Section, including but not limited to plan checking, cleanup and abatement fees, and industrial and commercial inspection fees, which may be fixed and established from time to time by the City Council by resolution."

SECTION 9. Bellflower Municipal Code Section 10-4 is hereby amended by adding thereto a new Subsection 10-4.16 to read as follows:

"10-4.16 Receiving Water Limitation Exceedances

Any person causing a discharge which exceeds a receiving water limitation shall be required to halt the discharge."

SECTION 10. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

SECTION 11. This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk, or her duly appointed deputy, shall certify to the adoption of this Ordinance and shall cause this Ordinance to be posted as required by law.

ORDINANCE NO. 1099 HAD ITS FIRST READING ON OCTOBER 10, 2005, ITS SECOND READING ON OCTOBER 24, 2005, AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER AT ITS REGULAR MEETING OF OCTOBER 24, 2005.



Randy Bomgaars, Mayor

ATTEST:



Debra D. Bauchop, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF BELLFLOWER)

I, **Debra D. Bauchop**, City Clerk of the City of Bellflower, California, do hereby certify under penalty of perjury that:

Ordinance No. 1099 had its first reading on October 10, 2005, by the following vote to wit:

AYES: Council Members - Pratt, Smith, King, and Mayor Bomgaars
NOES: Council Member - Larsen

Ordinance No. 1099 had its second reading on October 24, 2005, and was duly passed, approved and adopted by the City Council of the City of Bellflower at its regular meeting of October 24, 2005, by the following vote to wit:

AYES: Council Members - Smith, King, and Pratt
NOES: Council Members - Larsen and Mayor Bomgaars

Ordinance No. 1099 was posted at City Hall, the Clifton M. Brakensiek Library, John S. Simms Park, the Bellflower Sheriff's Substation, and T. Mayne Thompson Park; and the Ordinance, effective date, and vote will be published on Monday, October 31, 2005, in the Local Section of the *Long Beach Press-Telegram*, pursuant to Government Code Section 36933 and City Council action of April 24, 1995.

Dated: October 25, 2005


Debra D. Bauchop, City Clerk
City of Bellflower, California

(SEAL)